IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Gabor Fodor *et al.*	§	Group Art Unit: 2154
Serial No:	09/768,956	§	Examiner: Philip C. Lee
Filed:	January 24, 2001	§	Confirmation No: 4275

Attorney Docket No: P13249-US2
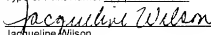Customer No.: 27045

For: RSVP Handling in 3G Networks

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Commissioner for Patents
P. O. Box 1450
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APPEAL UNDER 35 U.S.C. §134

This Brief is submitted in connection with the decision of the Primary Examiner set forth in Final Official Action dated December 14, 2004, finally rejecting claims 10-14, which are all of the pending claims in this application, and in response to the Notification of Non-Compliant Appeal Brief dated March 27, 2006.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §41.20(b)(2) that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1379.

Real Party in Interest

The real party in interest, by assignment, is: Telefonaktiebolaget LM Ericsson (publ)
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Stockholm, Sweden

Related Appeals and Interferences

None.

Status of Claims

Claims 10-14 are pending in the present application[1]. each of which are finally rejected and form the basis for this Appeal. Claims 10-12, and 14 stand rejected, under 35 U.S.C. §102(e), as being anticipated by Sen, *et al.* (US 6,708,034); and Claim 13 stands rejected as being unpatentable over Sen in view of Puuskari (US 6,728,208). Claims 10-14, including all amendments to the claims, are attached in the Claims Appendix. The rejection of claims 10-14 is appealed.

Status of Amendments

The claims set out in the Claims Appendix include all entered amendments. No amendment has been filed subsequent to the final rejection.

Summary of Claimed Subject Matter

Claim 10 is directed to a method in a mobile terminal. wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network, related to internet protocol signaling wherein parameters contained in a resource reservation protocol message ("RSVP") are used to control whether to create a new packet dap protocol ("PDP") context or to modify an existing PDP context. The claim elements are disclosed in the specification at least at the following locations:

Claim Element	Specification Reference
10. A method in a mobile terminal for providing support for internet protocol signaling, wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network, the method comprising the steps of:	See, *e.g.,* Figure 19 and the description thereof at page 15. line 30 *et seq.*
terminating a resource reservation protocol message sent from the local user's terminal equipment;	See, *e.g.,* Figure 20 and the description thereof at page 16, line 27 *et seq.*
determining, based on parameters contained in	See, *e.g.,* Figure 20 and the

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[1] Claims 1-9 have been previously cancelled.

the resource reservation protocol message, whether to create a new packet data protocol context or to modify an existing packet data protocol context; and	description thereof at page 16, line 27 *et seq.*
sending a request to create or modify the packet data protocol context through the radio network.	See, *e.g.*, Figure 20 and the description thereof at page 16, line 27 *et seq.*

Claim 13 is directed to method in a gateway general packet radio service support node ("GGSN") for transforming quality of service ("QoS") relating signaling according to an internet protocol into signaling according to an RSVP protocol, and *vice versa*. The claim elements are disclosed in the specification at least at the following locations:

Claim Element	Specification Reference
13. A method for a gateway general packet radio service support node comprising the steps of:	See, *e.g.*, Figure 18 and the description thereof at page 22, line 17 *et seq.*
including internet protocol quality of service information in packet data protocol context; and	See, *e.g.*, Figure 18 and the description thereof at page 22, line 17 *et seq.*
transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa.	See, *e.g.*, Figure 18 and the description thereof at page 22, line 17 *et seq.*

Claim 14 is directed to a mobile terminal having the capability to terminate RSVP messages and transform them into PDP context messages and *vice versa*. The claim elements are disclosed in the specification at least at the following locations:

Claim Element	Specification Reference
14. A mobile terminal comprising:	See, *e.g.*, Figure 19 and the description thereof at page 15, line 30 *et seq.*
a first interface to a local user's terminal equipment;	See, *e.g.*, Figure 19 and the description thereof at page 15, line 30 *et seq.*
a second interface to a radio network;	See, *e.g.*, Figure 19 and the description thereof at page 15, line 30 *et seq.*
a terminating unit for terminating resource reservation protocol; and	See, *e.g.*, Figure 20 and the description thereof at page 16, line 27

	et seq.
a translation unit for transforming a resource reservation protocol message into a packet data protocol message and vice versa.	See, *e.g.*, Figure 20 and the description thereof at page 16, line 27 *et seq.*

The specification references listed above are provided solely to comply with the USPTO's current regulations regarding appeal briefs. The use of such references should not be interpreted to limit the scope of the claims to such references, nor to limit the scope of the claimed invention in any manner.

Grounds of Rejection to be Reviewed on Appeal

1.) Claims 10-12 and 14 stand rejected, under 35 U.S.C. §102(e), as allegedly being anticipated by Sen, *et al.* (US 6,708,034).

2.) Claim 13 stands rejected, under 35 U.S.C. § 103(a), as being allegedly unpatentable over Sen in view of Puuskari (US 6,728,208).

Argument

1.) **Claim Rejections – 35 U.S.C. §102(e)**

The Examiner rejected claims 10-12 and 14 as being anticipated by Sen, *et al.* (US 6,708,034). The Applicants traverse the rejections.

Anticipation requires that the disclosure of a single piece of prior art reveals **every** element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitations, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. **Sen fails to teach each limitation of the rejected claims and, therefore, the Applicants traverse the rejection of each of those claims as being anticipated**.

Claims 10-12:

Claim 10 recites:

> 10. A method **in a mobile terminal** for providing support for internet protocol signaling, **wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network**, the method comprising the steps of:
>
> terminating a resource reservation protocol message sent from the local user's terminal equipment;
>
> determining, based on parameters contained in the resource reservation protocol message, whether to create a new packet data protocol context or to modify an existing packet data protocol context; and
>
> sending a request to create or modify the packet data protocol context through the radio network. (emphasis added)

Not only does Sen not disclose a method comprising the steps recited in claim 10, but fails to even disclose performing any similar steps **in a mobile terminal**. This can be noted based on the Examiner's assertion that the second step recited in claim 10 is taught by Sen at col. 5, lines 31-66, which actually describes an "RSVP-agent _in the wireless_ **network node** (_e.g._, **GGSN**)." In response to the Applicants' arguments submitted in reply to the Office Action dated May 21, 2004, the Examiner asserted in the Final Office Action that Sen further teaches "the claimed invention being performed in a mobile terminal (e.g., a Serving GPRS Support Node (SGSN))." Neither a GGSN or SGSN, however, is "**mobile**" or a "**terminal**," much less a "**mobile terminal**."

As those skilled in the art are aware, a GGSN (Gateway GPRS Support Node) is a GPRS (General Packet Radio Service) node which provides an interface between a radio network and an IP network; GPRS is an enhancement for GSM and TDMA core networks that introduces packet data transmission. An SGSN (Serving GPRS Support Node) handles the data traffic of users in a geographical service area. As an element of the **core** network, GGSN and SGSN nodes **are not mobile**. For Sen to anticipate the claimed invention, it must not merely approximate or be almost the same as the invention, but there must be an identity of invention between it and the claim. Anticipation requires the presence in the Sen disclosure of all elements of the claimed invention arranged as in the claim. The claim limitations which must be met are those set forth in each element, and such a limitation cannot be met by an element in Sen that performs a different function, even though it may be part of a device embodying the

same general overall concept. See, *RCA Corp. v. Applied Digital Data Sys., Inc.* 221 USPQ 385, 389 n.5 (Fed. Cir. 1984). Thus, whereas Sen fails to disclose the steps recited in claim 10 ***performed within a mobile terminal***, Sen fails to **anticipate** claim 10. Furthermore, whereas claims 11-12 are dependent from claim 10, and include the limitations thereof, those claims are also **not anticipated** by Sen.

Claim 14:

The Examiner also rejected claim 14 as being anticipated by Sen. Claim 14 recites:

> 14. A mobile terminal comprising:
> a first interface to a local user's terminal equipment;
> a second interface to a radio network;
> a terminating unit for terminating resource reservation protocol; and
> <u>a translation unit for transforming a resource reservation protocol message into a packet data protocol message and vice versa.</u> (emphasis added)

The Examiner asserts that Sen discloses "a translation unit for transforming a resource reservation protocol message into a packet data protocol message and vice versa" at column 4, lines 22-27, and column 7, lines 6-7. **The Applicants have reviewed the** **referenced portions of Sen and fail to see where the Examiner has identified a** **translation unit, within a mobile terminal, for transforming a resource reservation** **protocol (RSVP) message to a packet data protocol (PDP) message, and *vice*** ***versa.*** At column 4, lines 22-27, Sen states that a mobile station has an operating system that is "capable of generating and interpreting RSVP messages," **but fails to** **teach** **transforming such RSVP messages to PDP messages**. Similarly, at column 7, lines 6-7, Sen states that "RSVP signaling is used to perform PDP sub-context activation," **but fails to teach transforming an RSVP message to a PDP message**. Accordingly, Sen fails to **anticipate** claim 14.

2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claim 13 as being unpatentable over Sen in view of Puuskari (US 6,728,208). The Applicants traverse the rejection.

Claim 13 recites:

> 13. A method for a gateway general packet radio service support node comprising the steps of:
> including internet protocol quality of service information in packet data protocol context; and
> <u>transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa</u>. (emphasis added)

In rejecting claim 13, the Examiner asserted that:

> "[a]s per claim 13, Sen taught the invention as claimed for a gateway general packet radio service support node comprising the steps of:
>
> transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa. (col. 5, lines 31-49).
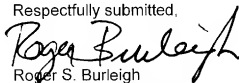
As noted in Applicants' response to the Office Action dated May 21, 2004, the Applicants reviewed the referenced portion of Sen and failed to see where the Examiner had identified **any** teaching relating to <u>transforming quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and *vice versa*</u>. In the Final Office Action, the Examiner asserted that Sen teaches "transforming quality of service related signaling according to an internet protocol (e.g. PATH message) (col. 4, lines 41-43) into signaling according [*sic*] a resource reservation protocol (e.g. RESV message) and vice versa (col. 5, lines 7-21)." The Examiner <u>clearly</u> mischaracterizes the teachings of Sen. At column 4, lines 41-43, Sen states what parameters are included in PATH and RESV messages, but discloses nothing about <u>transforming</u>, by a gateway general packet radio service support node (GGSN), quality of service related signaling according to an internet protocol into signaling according to a resource reservation protocol, and *vice versa*. Neither is such disclosed at column 5, lines 7-21, as asserted by the Examiner. **Accordingly, the**

Examiner has wholly failed to establish a *prima facie* case of obviousness of claim 13.

CONCLUSION

The claims currently pending in the application are patentable over Sawahashi, and the Applicants request that the Examiner's rejection thereof be reversed and the application be remanded for further prosecution.

Respectfully submitted,

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CLAIMS APPENDIX

1-9.   (Cancelled)

10.   (Previously Presented)   A method in a mobile terminal for providing support for internet protocol signaling, wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network, the method comprising the steps of:

terminating a resource reservation protocol message sent from the local user's terminal equipment;

determining, based on parameters contained in the resource reservation protocol message, whether to create a new packet data protocol context or to modify an existing packet data protocol context; and

sending a request to create or modify the packet data protocol context through the radio network.

11.   (Previously Presented)   The method of claim 10, further comprising the steps of:

receiving a response to the request from the radio network;

generating a resource reservation protocol message based on the contents of the response; and

sending the resource reservation protocol message to the local user's terminal equipment.

12.   (Previously Presented)   The method of claim 10, further comprising the steps of:

receiving a trigger that initiates the generation of a resource reservation protocol path message; and

sending the resource reservation protocol path message to the local user's terminal equipment.

13.   (Previously Presented)   A method for a gateway general packet radio service support node comprising the steps of:

including internet protocol quality of service information in packet data protocol context; and

transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa.

14.   (Previously Presented)   A mobile terminal comprising:

a first interface to a local user's terminal equipment;

a second interface to a radio network;

a terminating unit for terminating resource reservation protocol; and

a translation unit for transforming a resource reservation protocol message into a packet data protocol message and vice versa.

* * *

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.